

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

VIRGIL DOUGLAS RANDALL,

Petitioner,

v.

RICHARD J. DONOVAN
CORRECTIONAL FACILITY,

Respondent.

No. 2:23-cv-1480 KJN P

ORDER AND FINDINGS &
RECOMMENDATIONS

By order filed August 1, 2023, petitioner's application for writ of habeas corpus was dismissed, and he was granted thirty days leave to file an amended petition and to submit an affidavit in support of his request to proceed in forma pauperis or the appropriate court filing fee. Thirty days from that date have now passed, and petitioner has not filed an amended petition, filed an affidavit or paid the filing fee, or otherwise responded to the court's order.¹

In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

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¹ On August 14, 2023, petitioner filed a document addressing the substance of his claims. (ECF No. 5.) However, such filing does not address the August 1, 2023 order, and because the filing is not dated, it is unclear whether petitioner received the August 1, 2023 order before he sent the August 14, 2023 filing.

1 IT IS RECOMMENDED that this action be dismissed without prejudice. See Local Rule
2 110; Fed. R. Civ. P. 41(b).

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, petitioner may file written
6 objections with the court. Such a document should be captioned “Objections to Magistrate
7 Judge’s Findings and Recommendations.” Petitioner is advised that failure to file objections
8 within the specified time may waive the right to appeal the District Court’s order. Martinez v.
9 Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: September 12, 2023

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12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

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